



PUBLIC NOTICE

Federal Communications Commission
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DA 02-356
February 14, 2002

COMMENTS REQUESTED IN CONNECTION WITH VERIZON'S SECTION 271 APPLICATION FOR RHODE ISLAND

CC Docket No. 01-324

Comments Due: February 19, 2002

Today, the Commission received the attached written *ex parte* presentation from Verizon in the above-referenced docket proposing a significant reduction in Verizon's Rhode Island switching rates. In the course of this proceeding, the parties have raised numerous concerns regarding Verizon's Rhode Island switching rates and whether they fall within the reasonable range that correct application of TELRIC principles would produce. Verizon relied in its application not only on the Rhode Island Public Utilities Commission's proceeding adopting Verizon's switching rates, but also on a benchmark comparison to the New York switching rates and the Massachusetts rates based on the New York rates.¹ Late in this proceeding, on January 28, 2002, the New York Public Service Commission adopted new switching rates, which are more than 50 percent lower than Verizon's previous New York switching rates.² AT&T, WorldCom, and Verizon have all filed *ex parte* presentations regarding the effect of this action in the current proceeding.³ In response to this recent change in circumstances, Verizon has filed with this Commission reduced switching rates upon which it now relies as evidence demonstrating that its Rhode Island switching rates satisfy checklist item two. We now seek

¹ Verizon Application at 88 & Appx. A, Vol. 3, Tab D, Joint Declaration of Donna Cupelo, Patrick Garzillo and Michael Anglin at para. 38.

² New York Public Service Commission, *Proceeding on Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements*, Case 98-1357, Order on Unbundled Network Element Rates (rel. Jan 28, 2002).

³ Letter from Robert W. Quinn, Jr., Vice President, Federal Government Affairs, AT&T, to William F. Caton, Acting Secretary, Federal Communications Commission, CC Docket No. 01-324 (Feb. 12, 2002); Letter from Keith L. Seat, Senior Counsel, WorldCom, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 01-324 (Jan. 31, 2002); Letter from Clint E. Odom, Director - Federal Regulatory, Verizon, to Commissioner Kathleen Q. Abernathy, Federal Communications Commission, CC Docket No. 01-324 (Feb. 8, 2002).

comment on whether these modified rates, if adopted by the Rhode Island Public Utilities Commission, fall within the reasonable range that correct application of TELRIC principles would produce. We have established a short comment period due to the imminent deadline for ruling on Verizon's application.

Without deciding what reliance, if any, the Commission will place on Verizon's supplemental evidence, the Commission encourages interested parties to respond to this evidence. We emphasize that this Public Notice does not represent a decision about whether we will accord any weight to the supplemental evidence. The Commission expects that a section 271 application, as originally filed, will include all of the factual evidence on which the applicant would have the Commission rely in making its determination.⁴ If parties in a section 271 proceeding choose to submit new evidence, however, the Commission retains the discretion to waive its procedural rules and consider the evidence,⁵ to start the 90-day review process anew, or to accord such evidence no weight.⁶

Parties are requested to send a courtesy copy of their comments via email to jveach@fcc.gov, gremondi@fcc.gov, kelly.trainor@usdoj.gov, and sfrias@gwia.ripuc.org. An original and four copies of all comments must be filed with William F. Caton, Acting Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-B204, Washington D.C. 20554. In addition, twelve copies of each comment must be delivered to Janice Myles, Common Carrier Bureau, 445 12th Street, S.W., Room 5-C327, Washington, D.C., 20554, and one copy to Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington D.C., 20554. In accordance with the Commission's earlier Public Notice announcing that hand-delivered or messenger-delivered filings are no longer accepted at the Commission's headquarters, hand-delivered or messenger-delivered filings must be delivered to **236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002.**⁷ The filing hours at this location will be 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

⁴ See *Joint Application by SBC Communications Inc., Southwestern Bell Tel. Co., and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma*, Memorandum Opinion and Order, 16 FCC Rcd 6237, 6247-50, paras. 21-27 (2001), *aff'd in part, remanded in part sub nom. Sprint Communications Co. v. FCC*, No. 01-1076 (D.C. Cir. Dec. 28, 2001) (*SWBT Kansas/Oklahoma Order*); *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Michigan*, Memorandum Opinion and Order, 12 FCC Rcd 20543, 20570, para. 49 (1997), *writ of mandamus issued sub nom. Iowa Utils. Bd. v. FCC*, No. 96-3321 (8th Cir. Jan. 22, 1998) (*Ameritech Michigan Order*); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 01-734 (CCB rel. Mar. 23, 2001) (*March 23 Procedural Public Notice*).

⁵ See 47 C.F.R. § 1.3.

⁶ See *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6247-50, paras. 21-27; *Ameritech Michigan Order*, 12 FCC Rcd at 20571-76, paras. 49-59; *Application of Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York*, Memorandum Opinion and Order, 15 FCC Rcd 3953, 3968-69, paras. 34-37 (1999).

⁷ See Public Notice, FCC Announces New Filing Location for Paper Documents, DA 01-2919 (rel. December 14, 2001).

Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express Mail and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location will be open 8:00 a.m. to 5:30 p.m. The USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The USPS mail addressed to the Commission's headquarters actually goes to our Capitol Heights facility for screening prior to delivery at the Commission.

If you are sending this type of document or using this delivery method...	It should be addressed for delivery to...
Hand-delivered or messenger-delivered paper filings for the Commission's Secretary	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 a.m. to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.)
United States Postal Service first-class mail, Express Mail, and Priority Mail	445 12 th Street, SW Washington, DC 20554

In addition to filing paper comments, parties **are encouraged also to file comments electronically** using the Commission's Electronic Comment Filing System (ECFS). *See* Electronic Filing of Document in Rulemaking Proceedings, 63 Fed Reg. 24, 121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by the Internet e-mail. To receive instructions, send an email to ecfs@fcc.gov and include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Common Carrier Bureau Contact: Julie Veach (202) 418-1558.